

THIRTY-SIXTH DAY

(Monday, March 21, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagon seller
McDonald	Willis

Absent—Excused

Lane	Weinert
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, all nature and history tell of a changing world. We change in growing from baby to manhood; enemies of yesterday are our allies today. In this changing world, may we know that Thou art changeless; and give us grace to make Thy word our way of life. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 17, 1955, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Lane was granted leave of absence for today and the remainder of the week on account of illness on motion of Senator Aikin.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Lock.

Reports of Standing Committee

Senator Martin submitted the following reports:

Austin, Texas,
March 21, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 134, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

MARTIN, Chairman.

Austin, Texas,
March 21, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 61, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached committee substitute do pass in lieu thereof, and be printed.

MARTIN, Chairman.

C. S. S. B. No. 61 was read first time.

(President in the Chair.)

Senate Concurrent Resolution No. 34 on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Owen
Bracewell	Parkhouse
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Wagon seller
Martin	Willis
McDonald	

Absent

Hazlewood	Phillips
Moore	

Absent—Excused

Lane

Weinert

The following resolution was then introduced, read first time and referred to the committee indicated:

S. C. R. No. 34, Granting Austin Bridge Company permission to sue the State of Texas.

Whereas, The Austin Bridge Company contends and alleges that certain provisions in its contract with the State of Texas and State Highway Department for Project known as F621(8) and 158(10) in Hemphill County, Texas (said project covering among other things the dismantling and salvaging of the old Canadian River Bridge and erection of a new Canadian River Bridge), were canceled illegally by the State Highway Department, the State Highway Commission and the State Highway Engineer, on or about August 4, 1952, the canceled provisions being the terms, provisions, special provisions, and specifications of the contract which provided for the dismantling and salvaging of the old Canadian River Bridge and being Items Sp. S. 500 and Sp. S. 517 of said contracts, and provisions pertaining thereto; and

Whereas, The Austin Bridge Company alleges and contends that the State Highway Department, State Highway Commission, State Highway Engineer and the administrative officials of the State Highway Department refused to reinstate the canceled provisions of said contract and refused to permit the Austin Bridge Company to perform the aforesaid provisions of the contract when during the course of the construction of said project it became time to perform same, although the Austin Bridge Company was always ready, able, and willing to do so; and

Whereas, The Austin Bridge Company alleges and contends that the aforesaid State of Texas, State Highway Department, State Highway Commission, State Highway Engineer and the administrative officials of the State Highway Department have failed and refused to pay it for the damages which it sustained by virtue of the alleged illegal cancellation of the aforesaid contract, and refused to pay it for the value of the steel, lumber, and other material passing to it under the terms of the canceled provisions of said contract; and

Whereas, The State of Texas, the

State Highway Commission of Texas, the State Highway Department, the State Highway Engineer and administrative officials of said Department contend that suit cannot be maintained against them or either of them without permission from the Legislature of the State of Texas; and

Whereas, The Legislature of the State of Texas neither admits or denies that the Austin Bridge Company has a valid claim, nevertheless it is the sense of this Legislature that no citizen of this State acting for and on behalf of the State of Texas should be deprived of his opportunity to establish his claim before a Court and jury in this State or before a Court without a jury; and

Whereas, The said Austin Bridge Company asserts that it has never been compensated for the damages, if any, which may accrue to it and that the controversy has not been settled with respect to liability for said damages; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring: That the Austin Bridge Company, a corporation of Dallas, Dallas County, Texas, its successors and assigns be and they are hereby granted permission to bring and maintain suit against the State of Texas, the State Highway Commission, the State Highway Department and/or the State Highway Engineer, as well as any administrative official acting for and on behalf of the State Highway Department, in any court of competent jurisdiction at any time within two years after the passage and enactment of this Resolution, in order that the compensation due, if any, for the damages sustained, if any, by reason of the above allegations may be determined and paid to the proper person or persons, service of citation to be upon the Chairman of the Highway Commission of the State of Texas; and the Attorney General of Texas; and judgment rendered therein may provide for interest at six per cent (6%) per annum, as well as for the amount of the actual loss, if any. The suit shall be tried as other civil cases and either of the parties shall have the right of appeal. It is understood that nothing herein shall be construed as an admission of liability or of any fact on the part of the State of Texas or of any agency, officer, or individual acting for and on behalf of the State of Texas.

To the Committee on Civil Jurisprudence.

Senate Bill 366 on First Reading

Senator Willis moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Corbin	Parkhouse
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Strauss
Lock	Wagonseller
Martin	Willis

Absent

Hazlewood	Secrest
Phillips	Shireman

Absent—Excused

Lane	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Willis:

S. B. No. 366, A bill to be entitled "An Act to establish the Probate Court of Tarrant County; to define the jurisdiction thereof and to conform to such change the jurisdiction of the County Court of Tarrant County; and providing for the transfer of matters and proceedings from the County Court of Tarrant County to said Probate Court of Tarrant County, declaring the validity in the transferred cases of writs and processes extant at the time of such transfer; granting said Court certain powers; providing for the practice and procedure in said Court, and for the terms of said Court, and the election, qualification and appointment of a judge thereof, and the execution of a bond and oath of office, the filling of vacancies on said court, and the election or appointment of a Special Judge; providing for a Clerk of said Court, and for the duties of said Clerk, and the duties of the Sheriff as to such Court; providing a seal for

said Court; establishing the fees and compensation to be paid the Judge thereof, and providing for the payment of such compensation; conferring upon the County Judge the power and authority to transfer matters and proceedings from the County Court of Tarrant County to said Probate Court, and conferring upon the County Judge the power to sit and act as the Judge of said Court in certain cases; providing other provisions concerning the function and business of said Court; providing for other officers and employees of said Court; providing for a severability clause; and declaring an emergency."

To the Committee on Counties and County Boundaries.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 21, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 11, Proposing an amendment to Article I of the Constitution of the State of Texas by adding thereto another section following Section 15, conferring on the Legislature the authority to regulate lunacy proceedings and to provide for waiver of trial by jury where the person under inquiry has not been charged with commission of a criminal offense.

(With engrossed rider.)

H. B. No. 159, A bill to be entitled "An Act amending Article 608, Revised Civil Statutes of Texas, 1925, as amended so as to authorize the Board of Control to award contracts for printing, binding, stationery and supplies of like character estimated to cost less than Five Hundred (\$500.00) Dollars by competitive bidding without public advertising; and declaring an emergency."

H. B. No. 407, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59 of the Constitution comprising the territory contained within the cities of Abilene, Albany, Anson and Breckenridge, to be known as 'West Central Texas Municipal Water Authority,' for the purpose of providing a source of water supply for municipal, domestic, industrial and mining uses and

processing and transporting the same, providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said authority; authorizing the authority to do all things to make available for the above named uses, water from surface and underground sources and water it may obtain by purchase, lease and operation contracts with persons, firms, corporations and public agencies, or the United States Government or any of its agencies; authorizing the authority to lease or acquire rights in and to storage and storage capacity in any reservoir; authorizing the issuance of bonds and making provision for the payment and security thereof; making applicable to the authority title 52, Revised Civil Statutes relating to eminent domain and certain laws relating to water control and improvement districts; prescribing other powers of the authority; enacting other provisions related to the subject; and declaring an emergency."

H. B. No. 205, A bill to be entitled "An Act amending Chapter 297, Acts of the 52nd Legislature, as amended by Chapter 34, H. B. No. 60, Acts of the 53rd Legislature, which prohibits the use of nets and seines in fresh public waters, and otherwise regulates the taking, possession and sale of fish in certain counties by eliminating from its provisions relating to the taking of fish in Section 1 thereof the counties of Rains, Van Zandt, Henderson, Cherokee, Nacogdoches, San Augustine, Sabine, Tyler, and Smith; and declaring an emergency."

H. B. No. 453, A bill to be entitled "An Act authorizing the consolidation of rural high school districts with independent school districts by election; classifying rural high school districts as common school districts for certain purposes; providing that school districts formed under the provisions of this Act shall be independent school districts; making provision for the names of and trustees for such school districts; providing invalidity of a portion of this Act shall not invalidate any other part of the Act; and declaring an emergency."

H. B. No. 283, A bill to be entitled "An Act regulating fishing in public fresh waters in Kimble and Menard Counties; regulating the possession of certain fish for the purpose of sale in Kimble and Menard Counties; regulating the transportation of min-

nnows taken from the public waters of Kimble and Menard Counties; regulating the possession and use of fishing tackle or gear; providing for the confiscation of illegal tackle or gear being used in violation of this Act; providing penalties; providing severability clause; providing repealing clause; and declaring an emergency."

H. B. No. 524, A bill to be entitled "An Act relating to exemptions of lodges, orders, societies, and associations from provisions of the Insurance Code; amending Article 10.38 of the Insurance Code and Article 12.6 of the Insurance Code; repealing all laws or parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

H. B. No. 140, A bill to be entitled "An Act appropriating money for the support of the State Government, and for State aid to designated public junior colleges; authorizing and prescribing conditions, limitations, rules, and procedures, for allocating and expending the appropriated funds; and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act to adopt and establish general statutory provisions applicable to business corporations; to provide for the incorporation, regulation, admission to do business in Texas, merger, consolidation, receivership, dissolution, and liquidation of those business corporations to which this Act shall apply; to provide that it shall apply to certain Texas corporation incorporated after the Act becomes effective, and certain foreign corporations admitted to do business in Texas after it becomes effective, for voluntary adoption of the provisions of the Act by certain other corporations and for application of the Act to certain other corporations upon the expiration of five years after the Act becomes effective; to provide for powers, duties, authorizations and responsibilities of affected corporations and their officers, directors and stockholders; to repeal acts in conflict herewith; and containing a savings clause."

H. B. No. 786, "Providing for the further maintenance of roads in Wichita County; validating bonds voted for road, bridge and right-of-way purposes, authorizing Commissioners Court of said County to acquire right of way; providing a sev-

erability clause; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Constitutional Amendments:

March 21, 1955.

To the Members of the Fifty-fourth Legislature:

I submit for your consideration as an emergency matter a proposed amendment to Article XVI, Section 1, of the Constitution of the State of Texas, changing the form of the oath of office to include appointive officers of the State.

This section was amended in 1938, and in drafting, appointive officers were not included and they have been taking the same oath required of elective officers. I suggest that the Constitution be amended with appropriate language to include appointive officers in accordance with the solemnity and dignity inherent in such an official act.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

House Bills on First Reading

The following bills received from the House were read first time and referred to the committees indicated:

H. B. No. 553, To the Committee on Counties and County Boundaries.

H. B. No. 107, To the Committee on State Affairs.

H. B. No. 153, To the Committee on Criminal Jurisprudence.

H. B. No. 169, To the Committee on Game and Fish.

H. B. No. 244, To the Committee on Game and Fish.

H. B. No. 520, To the Committee on Game and Fish.

H. B. No. 541, To the Committee on State Affairs.

H. B. No. 248, To the Committee on Game and Fish.

H. B. No. 586, To the Committee on Game and Fish.

H. B. No. 802, To the Committee on Game and Fish.

H. B. No. 456, To the Committee on Game and Fish.

H. B. No. 457, To the Committee on Game and Fish.

H. B. No. 474, To the Committee on Game and Fish.

H. B. No. 620, To the Committee on Game and Fish.

H. B. No. 621, To the Committee on Game and Fish.

H. B. No. 644, To the Committee on Game and Fish.

H. B. No. 645, To the Committee on Game and Fish.

H. B. No. 646, To the Committee on Game and Fish.

H. B. No. 692, To the Committee on Game and Fish.

H. B. No. 259, To the Committee on Game and Fish.

H. B. No. 314, To the Committee on Game and Fish.

H. B. No. 773, To the Committee on Game and Fish.

H. B. No. 406, To the Committee on Educational Affairs.

H. B. No. 386, To the Committee on Finance.

H. B. No. 383, To the Committee on State Affairs.

H. B. No. 363, To the Committee on State Affairs.

H. B. No. 360, To the Committee on Privileges and Elections.

H. B. No. 322, To the Committee on State Affairs.

H. B. No. 140, To the Committee on Finance.

H. B. No. 425, To the Committee on State Affairs.

H. B. No. 539, To the Committee on State Affairs.

H. B. No. 475, To the Committee on State Highways and Motor Traffic.

H. B. No. 583, To the Committee on Counties and County Boundaries.

H. B. No. 428, To the Committee on State Affairs.

H. B. No. 399, To the Committee on State Affairs.

H. B. No. 407, To the Committee on Water Rights, Irrigation and Drainage.

H. B. No. 16, To the Committee on Civil Jurisprudence.

Senate Resolution 127

Senators Roberts offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate: Joe Ben Wallace of Lone Oak, Texas; Merrick Money of Greenville, Texas; and Tuck Sockwell of Greenville, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Roberts, by unanimous consent, presented the guests to the Members of the Senate.

**Committee Substitute Senate Bill 61
Ordered Not Printed**

On motion of Senator Martin, and by unanimous consent, C. S. S. B. No. 61 was ordered not printed.

Senate Resolution 128

Senator Parkhouse offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate, pupils of the Camp Woodland Springs, Dallas, Texas, accompanied by their teacher, Mr. Darold Wilson; and

Whereas, These students are on an educational tour of the Capitol Building; and

Whereas, These young American citizens are here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these young guests and their teacher, and commend them for their interest; and that a copy of this Resolution, prop-

erly endorsed, bearing the official seal of the Senate, be mailed to each of them in recognition of their visit.

The resolution was read and was adopted.

Senator Parkhouse, by unanimous consent, presented the students and Mr. Wilson to the Members of the Senate.

Senate Resolution 129

Senator Corbin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Honorable John Lee Smith of Lubbock, Texas, a former Member of the Senate and Lieutenant Governor; and Mr. Don Willman of Dallas, Texas, an outstanding business man and civic leader; now, therefore, be it

Resolved, That we officially recognize and welcome these guests, and extend them the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Corbin, by unanimous consent, presented former Lieutenant Governor Smith and Mr. Willman to the Members of the Senate.

Senate Joint Resolution 1 on Second Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and that S. J. R. No. 1 be placed on its second reading and passage to engrossment.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and that S. J. R. No. 1 be considered at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Colson	Moffett
Corbin	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Latimer	Secrest

Shireman
Strauss

Willis

Nays—2

Moore

Wagonseller

Absent

Roberts

Absent—Excused

Lane

Weinert

The President laid before the Senate on its Second Reading and passage to engrossment the following resolution:

S. J. R. No. 1, Proposing an amendment to the Constitution of Texas adding a section to be known as Section 49c of Article III, authorizing the issuance and sale of bonds by the State of Texas to create the Texas Water Development Fund to provide financial assistance to certain political subdivisions or bodies politic and corporate of the State of Texas in the conservation and development of the water resources of the State; providing for the levying of a state ad valorem tax of not to exceed three (3c) cents on the one hundred dollars (\$100) valuation as security for such state obligations; providing for the termination of such tax levy; providing for the calling of an election and the publication and issuance of the proclamation therefor.

The resolution was read the second time.

Senator Hardeman offered the following Committee Amendment to the resolution:

Amend Section 1 of S. J. R. No. 1 by striking out all of the words in the first paragraph on page 2 after the words "respective watersheds" in line 5, and adding in lieu thereof the following:

"for all lawful purposes by the acquisition, improvement or construction of dams, reservoirs and other water storage projects or for any one or more of such purposes or methods."

The committee amendment was adopted.

Senators Martin, Moore and Secrest asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Bracewell offered the following amendment to the resolution:

Amend S. J. R. No. 1 by striking out the following words on line 40 of the first page of the printed resolution:

"Governor, State Treasurer, and Comptroller of Public Accounts" and the word "the" at the end of line 39, and inserting in lieu thereof the following words "three (3) members to be appointed by the Governor, at least one of whom shall be a licensed professional engineer, whose terms of office shall be provided by statute" such members to be appointed with the advice, consent and confirmation of the Senate.

The amendment was read.

Senator Martin offered the following substitute for the amendment by Senator Bracewell:

Amend S. J. R. No. 1, printed copy, by striking out Line 40 on Page 1, and adding in lieu thereof the following:

"following: Seven (7) members elected by the people in conformity with the general election laws of this State, each member to come from a different geographical district, the districts to be provided by law. At the first meeting, the members shall draw for staggered terms of six years each, so that their terms for the first six years will expire as follows: Two (2) to expire at the end of the first two years; two (2) to expire at the end of the first four years; and three (3) to expire at the end of the first six years. At the expiration of their respective initial terms as above provided, members shall be eligible to stand for re-election for full six-year terms thereafter. Said commission shall elect its own Chairman from among its members."

The substitute for the amendment was read.

Senator Hardeman moved to table the substitute by Senator Martin for the amendment by Senator Bracewell.

The motion to table was lost by the following vote:

Yeas—14

Ashley	Latimer
Bracewell	Lock
Fly	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Hazlewood	Shireman
Kelley	Strauss

Nays—15

Aikin	Owen
Colson	Roberts
Corbin	Rogers
Kazen	of Childress
Martin	Rogers of Travis
McDonald	Secrest
Moffett	Wagonseller
Moore	Willis

Absent—Excused

Lane	Weinert
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Question—Shall the substitute by Senator Martin for the amendment by Senator Bracewell to S. J. R. No. 1 be adopted?

Senate Bill 367 on First Reading

Senator Phillips by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent—Excused

Lane	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 367, A bill to be entitled "An Act providing that the Texas Prison Board may exchange state-owned lands comprising the outer edge of Ramsey State Prison Farm for privately owned lands within Ramsey Prison Farm, and declaring an emergency."

To the Committee on State Penitentiaries.

Senate Bill 368 on First Reading

Senator Bracewell by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent—Excused

Lane	Weinert
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The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bracewell:

S. B. No. 368, A bill to be entitled "An Act amending Articles 1.02, 1.03, and 1.04 of the Insurance Code, Acts 52nd Legislature, R. S. 1951, Chapter 491, page 868, relating to the creation and organization of the Board of Insurance Commissioners, the terms of office of the Commissioners, and their duties; repealing all laws and parts of laws in conflict therewith; providing a savings clause; and declaring an emergency."

To the Committee on Insurance.

Adjournment

On motion of Senator Kelley, the Senate, at 12:13 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

THIRTY-SEVENTH DAY

(Tuesday, March 22, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.